

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, April 14, 1863.

GENERAL ORDERS, }
No. 42. }

I. At the Military Court of the Department of Virginia and North Carolina, appointed under Act of Congress of October 9th, 1862, was arraigned and tried:

Major KIRKWOOD OTEY, 11th Regiment Va. Infantry, on the following Charges—(The Specifications are omitted:)

Charge 1st,	-	-	Drunkenness on duty.
Charge 2d,	-	-	Violation of the 77th Article of War.

II. *Finding and Sentence of the Court.*

The Court affirm the plea of the said Major Kirkwood Otey, 11th Va. Infantry, to the first Charge, and Specification thereunder, and find him

Of the Specification of 1st Charge,	-	-	-	Guilty
Of the 1st Charge,	-	-	-	Guilty.
Of the 1st Specification of 2d Charge,	-	-	-	Not Guilty.
Of the 2d Specification of 2d Charge,	-	-	-	Not Guilty.
Of the 2d Charge,	-	-	-	Not Guilty.

And do therefore sentence him the said Major Kirkwood Otey, 11th Va. Infantry, to be cashiered, and dismissed the service of the Confederate States.

III. The proceedings in the foregoing case having been laid before the Secretary of War, to be submitted to the President, the following order has been made thereon:

The proceedings, findings and sentence in the case of Major Kirkwood Otey, 11th Regiment Va. Infantry, are approved; but in consideration of his previous good character, and the recommendation of the Court and the General commanding, the sentence is remitted, and Major Otey will be restored to duty.

By order.

S. COOPER,

Adjutant and Inspector General.